

NOT FOR PUBLICATION – FOR UPLOAD ONLY

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

v.

**AKUMBA HARVEY and WILLIAM
HODGE, JR.,**

Defendants.

CRIMINAL NO. 2004/0096

**TO: Denise Hinds, AUSA
Thurston McKelvin, FPD
Darwin K Carr, Esq.**

**ORDER DENYING DEFENDANT WILLIAM HODGE, JR.'S
MOTION TO CONTINUE**

THIS MATTER came before the Court upon Defendant William Hodge, Jr.'s Motion to Continue April 25, 2005 Trial Date (Docket No. 72). A hearing was held on said motion on Monday, March 14, 2005. The government was represented by Denise Hinds, AUSA; Thurston McKelvin, FPD, appeared on behalf of Defendant Harvey; and, Darwin K. Carr, Esq., appeared on behalf of Defendant Hodge.

Counsel for Defendant Hodge stated that the basis for the said motion was a scheduling conflict. Counsel seeks a continuance of trial in this matter, currently scheduled to begin April 25, 2005, because he is representing individuals in immigration proceedings wherein hearings have been scheduled before the Immigration Court on April 25 and 26, 2005.

Neither the government nor counsel for Defendant Harvey posed any objection to the said motion.

The Court notes that trial in this matter has been continued on at least two previous occasions pursuant to motions by Defendants. Moreover, this Court already has denied Defendant Hodge's prior motion to continue the April 25, 2005, trial date. The Court finds that interests of justice will not be served by granting said motion. In addition, given the Court's current scheduling difficulties, it is incumbent upon the Court to maintain control of its docket. Therefore, the Court will deny said motion.

This Court repeatedly has emphasized to counsel and parties that they are expected to adhere to the rules, orders, and guidelines of the Court, including being prepared to go forward on appointed dates and at appointed times. The Court has issued warnings that any misconduct in that regard is subject to sanctions. Because Attorney Carr arrived late to the hearing scheduled for 9:00 a.m. on said date, the Court will sanction such misconduct.

Now, therefore, it is hereby **ORDERED**:

1. Defendant William Hodge, Jr.'s Motion to Continue April 25, 2005 Trial Date (Docket No. 72) is **DENIED**.
2. Darwin K. Carr, Esq., is **FINED** for his willful dilatoriness.
3. Darwin K. Carr, Esq., **shall pay, no later than Friday, March 18, 2005, \$100.00**, such amount payable to the Clerk of the Court.

United States v. Harvey
Criminal No. 2004/0096
Order Denying Motion to Continue
Page 3

ENTER:

Dated: March 14, 2005

GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE

ATTEST:

WILFREDO F. MORALES
Clerk of Court

By: _____
Deputy Clerk